



Docket No.: 1975.1002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Katsuya SATOH, et al

Serial No. 10/664,044

Group Art Unit: 1644

Confirmation No. 2743

Filed: September 17, 2003

Examiner: SAUNDERS, David A.

For: METHOD FOR EFFICIENTLY DETERMINING A DNA STRAND BREAK

**DECLARATION**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This declaration is to establish that certain inventors of the above-cited application are also inventors of the portion of the subject matter in U.S. Patent Application Publication No. 2003/030143707 A1 which was utilized in the 35 U.S.C. §102(e) Office Action rejection of the above-cited application mailed February 21, 2007. Katsuya Satoh and Issay Narumi, who are two of the applicants in the above-cited application, declare the following:

1. On August 13, 2002 we, together with Suzhen Cui, Shigeru Kitayama, and Hiroshi Watanabe, caused to be filed U.S. Patent Application Publication No. 2003/030143707 A1, entitled "Proteins Having DNA Repair Promoting Activity."

2. On September 17, 2003, we, together with Masahiro Kikuchi, Tomoo Funayama, and Yasuhiko Kobayashi, caused to be filed U.S. Patent Application No. 2004/0224320, entitled "Method For Efficiently Determining a DNA Strand Break."

3. We are the inventors of the portion of the subject matter disclosed in U.S. Patent Application Publication No. 2003/030143707 A1 which was utilized in the 35 U.S.C. §102(e) Office Action rejection of the above-cited application mailed February 21, 2007.

4. Hence, the portion of the subject matter disclosed in U.S. Patent Application Publication No. 2003/030143707 A1 which was utilized in the 35 U.S.C. §102(e) Office Action

rejection of the above-cited application mailed February 21, 2007 was invented by the same inventive entity as the invention of claims 5 and 14 of the above-cited application.

5. We also declare that all statements made in this declaration of our own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent issuing thereon.

26 / 4 / 2007  
Date

Katsuya Satoh  
Katsuya Satoh

26 / 4 / 2007  
Date

Issay Narumi  
Issay Narumi